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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,325	06/16/2006	Antonio Reyes Ruiz	2585-0124PUS1	3236
2292	7590	08/05/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				HIJAZ, OMAR F
ART UNIT		PAPER NUMBER		
		4165		
NOTIFICATION DATE			DELIVERY MODE	
08/05/2008			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,325	RUIZ, ANTONIO REYES	
	<b>Examiner</b>	<b>Art Unit</b>	
	OMAR HIJAZ	4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 June 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/16/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-6 are pending and have been considered below.

### ***Claim Objections***

1. Claims 1-3 are objected to because of the following informalities: In lines 2 and 5 of claim 1, line 2 of claim 2, and line 3 of claim 3, the recitations “ “C” ” contains unnecessary quotation marks. Appropriate correction is required.
2. Claim 1 is objected to because of the following informalities: In line 2, the recitation “C-shaped element” is later referred to by the recitation “C-shaped structural element”. In addition, in line 2, the recitation “its faces” lacks antecedent basis. In addition, in line 4, the recitation “the metallic strips” lacks antecedent basis. Appropriate correction is required.
3. Claim 2 is objected to because of the following informalities: In line 4, the recitation “the parallel edges” lacks antecedent basis. In addition, in line 4, the recitation “C-shaped structural profile” lacks antecedent basis and should be replaced with “C-shaped structural element” for consistency. Appropriate correction is required.
4. Claim 3 is objected to because of the following informalities: In line 3, the recitation “the angular cavities” should be replaced with “the rectangular cavities”. In addition, in line 3, the recitation “C-shaped first element” lacks antecedent basis and should be replaced with “C-shaped structural element” for consistency. In addition, in line 4, the recitation “one of the rods” lacks antecedent basis and should be replaced with “a rod”. Appropriate correction is required.

5. Claims 4-6 are objected to because of the following informalities: In line 3 of claim 4, line 2 of claim 5, and line 2 of claim 6, the recitation “once assembled, once integrated” is unclear and should be replaced with “once assembled and integrated”. In addition, in line 3 of claims 4-6, the recitation “the slab or wall” lacks antecedent basis and should be replaced with “a slab or wall”. In addition, in line 3 of claims 4-6, the recitation “which, in turn, can function” is jumbled and should be replaced with “and can function”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruiz et al (U.S. Patent No. 5,414,972).

As per claim 1, Ruiz et al teaches a structural element for the construction of buildings (structural member for building constructions; title) comprising a C-shaped element (structural member 14, such as a standard C-shaped stud; col. 5, lines 36-37; figure 5) with equidistant cavities on at least one side of its faces (structural member 14 has a plurality of elongated, spaced slots 62; col. 8, lines 46-47; figure 5) and a second element in the shape of a continuous strip (a reinforcing member 16; col. 5, line 34; figure 5) with equidistant angular folds (the reinforcing member 16 has a plurality of longitudinally spaced projections 18; col. 8, lines 18-19; figure 5), whereby once both

structural elements are assembled to each other, the angular folds of the metallic strip are projected through the cavities of the C-shaped structural element (slots 62 are designed to receive the projections 18 of the reinforcing member 16, such that the projections 18 pass through the slots 62 and extend outwardly beyond the upper edge flange 22; col. 8, lines 47-51; figure 6).

As per claim 2, Ruiz et al teaches the cavities in the C-shaped structural element are of rectangular configuration (as depicted, the slots 62 are generally rectangular; figure 5) and in such a manner that depends on the length of the structural element (it is construed that the slots shall continue throughout the entire length required by the structure; as evidence by figure 1), placed in parallel edges of the C-shaped structure (upper edge flange 22 of the structural member 14 has a plurality of elongated spaced slots; col. 8, lines 46-47; figure 5) .

As per claims 4 and 5, Ruiz et al teaches the structural element, once assembled and integrated becomes part of a slab or wall and can function as a beam or column of the construction (the structural member can be a standard stud or joist, or any other structural member designed for connection to a building panel such as a track, a structural steel I-beam or the like; col. 3, lines 19-23).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruiz et al in view of Fordyce (U.S. Patent No. 555,084).

As per claim 3, Ruiz et al teaches the angular folds in the second structural element that are projected through the rectangular cavities of the C-shaped first element, comprise matching members through which one of the rods that makes up the structure of a wall or slab to be erected, is inserted (each projection 18 is designed to receive a tubular rod 56 which is retained in a position spaced from the upper edge flange 22 of the structural member 14 by a pair of inwardly projecting tabs 60; col. 8, lines 34-38; figure 6).

Ruiz et al fails to disclose the perforations receiving the rod.

Fordyce discloses a framework for wall forming (col. 1, lines 13-16) with a stud member A which attaches to an angular strip with apertures a', in which rod C is inserted (figure 6).

Therefore from the teaching of Fordyce, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcing member with the tubular rod retaining means of Ruiz et al with the apertures as taught by Fordyce to further secure the rod in place (col. 2, lines 76-77).

As per claim 6, Ruiz et al teaches the structural element, once assembled and integrated becomes part of a slab or wall and can function as a beam or column of the construction (the structural member can be a standard stud or joist, or any other structural member designed for connection to a building panel such as a track, a structural steel I-beam or the like; col. 3, lines 19-23).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,885,884; Building Panel Assembly; discloses C-shaped web members with a similar configuration to the application. U.S. Patent No. 6,837,013; Lightweight Precast Concrete Wall Panel System; discloses similar wall panel studs with reinforcing members.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/583,325  
Art Unit: 4165

Page 7

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OFH